

Message Text

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ORIGIN SS-05

INFO OCT-01 CCO-00 RSC-01 SSO-00 ISO-00 NSCE-00 /007 R

66611

DRAFTED BY: S/S-O:GTWOHIE

APPROVED BY: S/S-O:GTWOHIE

DIST: NSC/E, S/S

----- 082236

O 230006Z NOV 74 ZFF4

FM SECSTATE WASHDC

TO USDEL VLADIVOSTOK IMMEDIATE

AMEMBASSY TOKYO IMMEDIATE

C O N F I D E N T I A L STATE 258822

TOSEC 326

FOLLOWING REPEAT USBERLIN 2145 ACTION SECSTATE BONN INFO
BERLIN LONDON MOSCOW PARIS NATO 22 NOVEMBER.

QUOTE

C O N F I D E N T I A L USBERLIN 2145

E.O. 11652: GDS

TAGS: PGOV, PFOR, MOSP, WB, GE, UR

SUBJECT: SOVIET APPROACH ON EXFILTRATION

REF: STATE 256998

1. WE WILL TRANSMIT SPETEL OUR RESPONSES TO

GENRAL QUESTIONS PARA 6 REFTTEL. IN CONNECTION
WITH BONN GROUP DISCUSSION, HOWEVER, EMBASSY AND
DEPARTMENT MAY WISH TO CONSIDER TWO POINTS
RELATIVE TO PROPOSED ANSWER TO SOVIETS:

A. WE ARE CONCERNED THAT STATEMENT SUBPARA B OF
RESPONSE TO EFFECT THAT "US REGULATIONS DO NOT
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PERMIT PERSONS WHO ARE NOT MEMBERS OF THE US FORCES

TO ENTER OR DEPART THE SOVIET SECTOR OF BERLIN IN US FORCES VEHICLES" IS SUBJECT TO MISINTERPRETATION. IN FACT, OF COURSE, MANY INDIVIDUALS WHO ARE NOT ACTUALLY MEMBERS OF FORCES ARE PROPERLY TRANSPORTED TO AND FROM EAST BERLIN, INCLUDING TDY OR OTHER OFFICIAL VISITING AMERICANS WHO DISPLAY BUT DO NOT HAND OVER THEIR DIPLOMATIC PASSPORTS, AND, WHEN DRIVEN BY UNIFORMED MILITARY DRIVER IN OFFICIAL (E.G. YELLOW OR WHITE PLATED) CAR, PRIVATE AMERICAN CITIZENS WHO DISPLAY BUT DO NOT HAND OVER THEIR PRIVATE PASSPORTS. WE WOULD NOT WISH TO LOSE THIS FLEXIBILITY OR OPEN DOOR TO QUESTIONING WHETHER SUCH PASSENGERS MAY CONTINUE TO RECEIVE SPECIAL TREATMENT AT CHECKPOINT CHARLIE. IT MAY BE PREFERABLE, THEREFORE, SIMPLY TO STATE THAT "AS THE SOVIET UNION IS AWARE, US REGULATIONS DO NOT PERMIT UNAUTHORIZED PERSONS TO ENTER OR DEPART THE SOVIET SECTOR OF BERLIN IN US FORCES VEHICLES."

B. RECENT THREE INCIDENTS HAVE ALL OCCURRED IN EAST BERLIN. SOME PREVIOUS INCIDENTS, INCLUDING KAPPEL CASE IN 1972, OCCURRED ON BERLIN-HELMSTEDT AUTOBAHN, WHERE OUR SENSITIVITY IS AT LEAST AS GREAT AS AT CHECKPOINT CHARLIE. SOVIET STATEMENT IS CAST, PRE-SUMABLY BECAUSE OF LOCUS OF RECENT INCIDENTS, PRIMARILY IN TERMS OF EAST BERLIN PROBLEM, BUT ITS GENERAL LANGUAGE IS APPLICABLE AS WELL TO AUTOBAHN QUESTIONS, I.E., "... INEVITABLY BRING UP THE QUESTION OF INTRODUCING AN EFFECTIVE CONTROL OVER THE MOVEMENT OF AMERICAN MILITARY PERSONNEL ACROSS THE BORDER BETWEEN WEST BERLIN AND THE GDR, AS WELL AS MAKING US SERVICE-MEN LEGALLY RESPONSIBLE FOR CRIMES COMMITTED ON THE TERRITORY OF THE GDR." WE WOULD THINK IT DESIRABLE, THEREFORE, FOR OUR ANSWER TO BE CASE IN TERMS BOTH OF EAST BERLIN AND AUTOBAHN ACCESS RIGHTS. SENTENCE IN SUBPARA B OF DRAFT RESPONSE MIGHT THEN BE EXPANDED TO READ" ... ENTER OR DEPART THE SOVIET SECTOR OF BERLIN OR TRANSIT THE BERLIN-HELMSTEDT AUTOBAHN IN US FORCES VEHICLES." SENTENCE IN SUBPARA C MIGHT BE EXPANDED TO READ "THE US FORCES ALSO HAVE THE BASIC RIGHT OF FREE CIRCULATION IN GREATER BERLIN AND OF FREE TRANSIT ON

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THE BERLIN-HELMSTEDT AUTOBAHN."SELIGMANN UNQUOTE INGERSOLL

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: MILITARY PERSONNEL, BERLIN ACCESS, DIPLOMATIC REPRESENTATIONS, TRAVEL CONTROLS, TOSEC 326
Control Number: n/a
Copy: SINGLE
Draft Date: 23 NOV 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: blochd0
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974STATE258822
Document Source: CORE
Document Unique ID: 00
Drafter: O:GTWOHIE
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D740339-0882
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19741117/aaaaaoh.tel
Line Count: 108
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN SS
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators:
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: STATE 256998
Review Action: RELEASED, APPROVED
Review Authority: blochd0
Review Comment: n/a
Review Content Flags:
Review Date: 22 JUN 2005
Review Event:
Review Exemptions: n/a
Review History: RELEASED <07 MAY 2002 by cunninfx>; APPROVED <26 MAR 2003 by KelleyW0>; WITHDRAWN <13 Jun 2005 by BoyleJA, PRIVACY>; RELEASED <22 JUN 2005 by powellba2>; APPROVED <22 JUN 2005 by blochd0>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: SOVIET APPROACH ON EXFILTRATION
TAGS: PGOV, PFOR, MOPS, WB, GC, UR, US
To: VLADIVOSTOK TOKYO
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005